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To: Microsoft ATR,dennispower@earthlink.net@inetgw
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Subject: Microsoft settlement position

Gentlepersons of the court;

As a 20-year computer programmer and small business owner, I have used virtually all Microsoft products since DOS 4.0. Due to high cost, constant crashes when used as intended, inability to be integrated with products from other vendors, and radically increasing hardware resource requirements, I now find myself constantly looking for realistic alternatives to Microsoft products, and usually coming up short.

My opinion on the findings of fact in the Microsoft case is that it is a reasonable compromise based on available and provable evidence. I strongly suspect that the actual case would be much worse for Microsoft if more evidence were available, but given what is known, the ruling seems quite fair.

My opinion on the proposed settlement, however, is not nearly as sanguine. The settlement does virtually nothing to grant relief to those harmed or to prevent future abuses, and does a fair amount to increase Microsoft's monopoly and even extend it in new directions, like educational software.

The minimal changes to the proposed settlement that I feel are necessary is to simply:

- 1) Require every distinct functionality in a Microsoft operating system to be separately accessible by a complete API that Microsoft must publish at least six months prior to each version release of said functionality. (If Microsoft cannot provide an API at six months prior to release, then their software development practices are simply not acceptable in a world where financial and economic security depends on correctly functioning software.)
- 2) Require that every protocol and data format used in the saving of application data or in transmitting data from one Microsoft application to another must be published six months prior to each version release of said protocol or data format. This requirement holds for all data transmitted via the internet or stored on any medium.
- 3) Require that where internationally recognized standards committees have established standards for such APIs, protocols, or data formats, that Microsoft systems must be configured, by default, to fully and completely adhere to those standards. For example, Microsoft's implementation of XML, while "technically" standard, is embedded in other protocols in such a way as to defeat the clear intent of the standard in that competing products cannot make use of the Microsoft XML documents.

A typical Microsoft operating system will include an internet browser, image

browser and/or image editor, music player, video player, file editor, file browser, internet connection subsystem, network configuration subsystem, and many more proprietary products from Microsoft. Each of these are nominally distinct products that continue to benefit from the network effects from Microsoft's operating system monopoly. The only way to provide meaningful remedy is to allow the competitors to have reasonable access to the technologies necessary for integrating their competing products into each Microsoft operating system, and to enable competing applications to process documents or other data streams that are generated by Microsoft software.

Furthermore, since the fastest-growing competition to Microsoft now comes from the non-profit, open source community, these APIs, protocols, and data formats must be published not just to proven business competitors, but must be freely available to anyone in any location around the world. I cannot emphasize this latter point too much: the strongest competitor to Microsoft's OS is Linux, and if the Linux development community is barred from relief under the settlement, then Microsoft will have clearly "won."

Without this minimal relief, Microsoft will continue to benefit from the network effects caused by their monopoly and they will continue to extend their monopoly deep into uncharted waters of internet business, and even further into our collective wallets.

I thank you for the opportunity to speak out on this grave issue. I wish you the best of luck in your deliberations.

Sincerely yours,
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